



HOUSE BILL 361: Justice Reinvestment Technical Corrections.-AB

2013-2014 General Assembly

Committee: Senate Judiciary I
Introduced by: Rep. Faircloth
Analysis of: Second Edition

Date: June 4, 2013
Prepared by: Susan Sitze*
Committee Counsel

SUMMARY: *House Bill 361 would make a number of technical and clarifying changes to the Justice Reinvestment Act of 2011.*

CURRENT LAW: The Justice Reinvestment Act of 2011 revised State criminal laws, criminal procedure laws, and probation statutes based upon recommendations of the Council of State Governments Justice Center, working in conjunction with various State agencies and officials. The working group received input from criminal justice practitioners and stakeholders from around the State, including superior and district court judges, district attorneys, defense attorneys, behavioral health treatment providers, family members, consumers, law enforcement officials, victim advocates, and probation officers. The goal of their work was to develop a statewide policy framework to reduce spending on corrections and reinvest in strategies to increase public safety.

BILL ANALYSIS: House Bill 361 would make a number of technical and clarifying changes to the Justice Reinvestment Act of 2011.

Section 1 of the bill would amend the regular conditions of probation by specifying that the defendant's duty to not abscond from probation by willfully avoiding supervision or by willfully making his or her whereabouts unknown to the supervising probation officer applies to defendant's placed on supervised probation.

Section 2 of the bill would repeal a requirement that, as a controlling condition of post-release supervision, a person must submit to supervision by officers assigned to the Intensive Post-Release Supervision Program and abide by the rules adopted for that program.

Section 3 of the bill would rewrite the statute pertaining to the duties and powers of probation officers to eliminate a requirement that probation officers take each new probationer on a tour of a prison unit.

Section 4 of the bill would specify that the 90-day period of confinement that the court is authorized to impose upon a person who violates a condition of probation is 90 **consecutive** days.

Section 5 of the bill would repeal a requirement that the North Carolina Sentencing and Policy Advisory Commission report annually to the General Assembly and the Governor on recidivism rates for offenders on probation, parole, and post release supervision participating in programming funded through the Treatment for Effective Community Supervision Program.

Section 6 of the bill would adjust the maximum sentences by one month for certain minimum terms specified for Class B1 through Class E felonies. The bill would affect maximum terms where the minimum term imposed is 66 months, 86 months, or 216 months.

EFFECTIVE DATE: With the exception of Section 6, which would become effective October 1, 2013 and apply to offenses committed on or after that date, the bill would be effective when it becomes law.

**Brenda Carter, Staff Attorney, contributed substantially to this summary.*

O. Walker Reagan
Director



Research Division
(919) 733-2578

* H 3 6 1 - S M S A - 6 3 E 2 - V 1 *